

REMARKS

This Amendment is in response to the Official Action mailed July 7, 2004. In that Official Action, claims 1, 2, 3, 4 and 7 were rejected under 35 U.S.C. 103 as unpatentable over Steeves LeBlanc et al., U.S. Patent No. 6,676,375, in view of Hill, U.S. Patent No. 6,196,803. Claims 4, 5 and 8 were objected to as depending from rejected claims. It is noted that a discrepancy exists between the rejected and the objected to claims.

By this Amendment, claims 1 and 7 have been amended through the addition of a phrase intended to add a limitation that the fan was able to swing freely. This ability does not impact upon the elements already described in these claims but rather limits the possibility of further constraints which would disallow swinging motion such as the constraints taught in the prior art Hill patent which describes the invention as being stable which is achieved through multiple chains.

The combination of LeBlanc et al. and Hill is unable to satisfy the structure defined in the independent claims of the present application. In LeBlanc et al., the fan is rigidly fixed relative to the supporting ceiling and is not able to swing. This is advantageous in a ceiling fan since they are never quite balanced and disturbing periodic motions would develop if allowed that degree of freedom. Hill teaches a stable mounting structure for a fan. Neither are mounted to allow the fan to swing. A *prima facie* case of obviousness under MPEP Section 2142 requires that the combined references teach the limitations of the claim. LeBlanc et al. and Hill are unable to meet that requirement for a *prima facie* showing of obviousness.

Further, the two references clearly have no relationship and there is no

teaching or suggestion or motivation for the combination thereof. One is for a decorated home, the other is for a chicken barn. One employs a ceiling fan while the other employs a horizontal caged fan. One includes a depending light while the other has and suggests no light. As such, the *prima facie* case of obviousness cannot be established as there is no teaching, suggestion or motivation for any such combination of these diverse mechanisms.

In view of the foregoing teachings of stability of the fans in the prior art references and their lack of compatibility, a *prima facie* case of obviousness is not supported over the claims as amended.

Applicant also wishes to bring to the attention of the Patent Office prior art for which there is no known published information. In the Disney Pirates of the Caribbean ride, depending lights mounted for swinging are employed to simulate fireflies. A fan separately mounted is directed to blow the depending lights about to create the suggestion of random movement. These mechanisms using a separately mounted fan are prior art to the present invention.

In view of the foregoing, it is believed that the application is properly formed and sets forth patentable subject matter in the claims. Consequently, a Notice of Allowance is earnestly solicited.

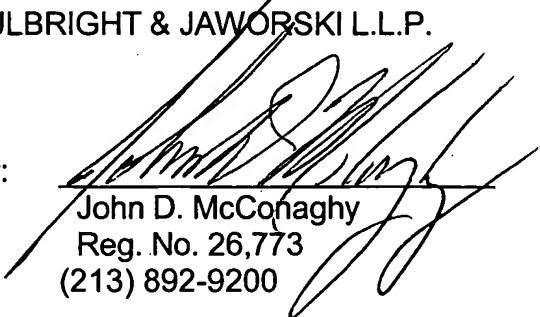
Respectfully submitted,

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